

tain judicial districts, and to abolish certain other judicial districts therein named."

Senator Ruby moved a call of the Senate. Call sustained.

Absent—Senators Flanagan, Pyle, Saylor, Sayers and Tracy.

The sergeant-at-arms was dispatched for the absent Senators.

On motion of Senator Swift the rules were suspended to take up House bill No. ...., "An act for the benefit of the actual occupants of the public lands."

The bill was read second time, and the report of the committee recommending amendments adopted.

The bill then passed to a third reading; rules suspended, read third time and passed.

House concurrent resolution for a joint select committee to consider the propriety of establishing two additional lunatic asylums, was taken up.

Senator Dillard moved to indefinitely postpone the resolution.

On motion of Senator Shelley, the Senate adjourned to 9 o'clock A. M. next Monday.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 19, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of last Saturday was dispensed with.

Senator Dohoney, chairman of the Committee on Education, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Education, to whom was referred House bill No. 589, to be entitled "An act to incorporate the Texas University," have had the same under careful consideration, and I am instructed to report it back, with the accompanying amendments, and as amended, to recommend that it do pass.

E. L. DOHONEY, Chairman.

Amend the caption by striking out the word "Texas," and inserting the words "Methodist Episcopal;" and add,

after the word "University," the words "of the State of Texas."

Amend section five, line five, by striking out "two hundred," and inserting "twenty." Strike out all after the word "not," in line five, to the end of the section.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Education, to whom was referred House bill No. 396, to be entitled "An act to grant H. M. Mathis, principal, and Col. L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution," have carefully considered the same, and I am instructed to report the bill back with the recommendation that it do pass.

E. L. DOHONEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Education, to whom was referred House bill No. 860, to be entitled "An act to incorporate Little River Academy, in Bell county," have carefully considered the same, and instruct me to report it back and recommend its passage.

E. L. DOHONEY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Education, to whom was referred Senate bill No. 227, "An act requiring the Treasurer of the State to receive all payments due on all notes given for purchase of university lands sold under the provisions of an act for the disposition and sale of the university lands, approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said land," have carefully considered the same, and instruct me to report it back and recommend its passage.

E. L. DOHONEY, Chairman.

Senator Finlay, chairman *pro tem.* of the Committee on State Affairs, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 806, to be entitled "An act to prohibit the sale or giving away spirituous, vinous, malt

or other intoxicating liquors within two miles of certain places therein named," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 871, to be entitled "An act to amend section two of an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, approved January 7, 1860," have considered the same, and I am instructed to report it back, and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 856, to be entitled "An act to incorporate the officers and members of Gaiety Lodge No. 84, of the Independent Order of Odd Fellows, situated at Carthage, Texas," having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 561, to be entitled "An act to incorporate a savings bank in Bonham, Fannin county," have carefully considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 481, to be entitled "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson," having carefully considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 866, to be entitled "An act to prohibit the sale of, bartering or giving away spirituous or intoxicating liquors within five miles of Bethel Church and Seminary of Learning, in Lavaca county," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 876, to be entitled "An act to incorporate the Navasota Real Estate and Building Association," have considered the same, and instruct me to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 332, to be entitled "An act to incorporate the Bayou City Hook and Ladder Company No. 2, of the city of Houston," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 407, to be entitled "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 350, to be entitled "An act to incorporate the Columbus Engine Hook and Ladder Company," have considered the same, and I am instructed to report it back and recommend its passage with the accompanying amendment.

GEO. P. FINLAY, Chairman *pro tem.*

Amend section three by striking out the words "sixty-five," and inserting in lieu thereof the word "forty."

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 852, "An act to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within six miles of the Little River Academy, in Bell county, Texas," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 847, to be entitled "An act supplementary to the acts incorporating the city of Dallas,"

have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 857, to be entitled "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 859, to be entitled, "An act to prohibit the sale and giving away of intoxicating liquors within three miles of Prairie Grove Church and Seminary of Learning, situated in Hill county, and Evergreen, Washington county," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 610, to be entitled "An act to incorporate the City Bank of Dallas," having considered the same, instruct me to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 877, to be entitled "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail," have considered the same, and I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 823, to be entitled "An act to incorporate the Deutscher Volks Fest Verein von Houston," having carefully considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 844, to be entitled "An act to au-

thorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county," having considered the same, I am instructed to report it back and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills, have examined and find correctly engrossed:

Senate bill No. 182, "An act providing and making appropriation for the payment of certain unpaid contingent expenses of the Twelfth Legislature."

Senate bill No. 355, "An act prescribing the times of holding the district courts in Kaufman and Rockwall counties, in the Tenth Judicial District."

Senate bill No. 80, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State, in certain cases."

Senate bill No. 353, "An act to organize Clay county."

HENRY C. KING, Chairman.

Senator Dohoney submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom Senate bill No. 104, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas," was recommitted, have instructed me to report the same back to the Senate and recommend its passage with such modification as expediency may dictate, but after careful consideration I am of opinion that the public good will not admit of further amendments to the bill, and that if the measure must fail it had better fail as an entirety. I therefore respectfully recommend the passage of the bill as amended in the Senate before its recommitment.

E. L. DOHONEY, Chairman.

Senator Word introduced a bill to be entitled "An act to authorize L. M. Martin, guardian of the minors David L. and Emily M. Thomas, to sell certain land belonging to his wards." Read first time and referred to Judiciary Committee No. 1.

Senator Shelley introduced a bill to be entitled "An act making an appropriation for the relief of certain parties therein named." Read first time and referred to Judiciary Committee No. 2.

Senar Cole introduced a bill to be entitled "An act for the relief of the heirs of Orlando Forrest." Read first time and referred to the Committee on Private Land Claims.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills beg leave to report that they have examined and compared the following Senate bills:

No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction of the same."

No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas and elsewhere within the State, approved June 10, 1870,"

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

The following bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 901, "An act to incorporate the towns of Farmersville, Plano and Weston, in Collin county." Referred to the Committee on State Affairs.

House bill No. 907, "An act supplementary and amendatory to an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, and to incorporate said town as the city of Sherman." Referred to the Committee on State Affairs.

House bill No. 574, "An act in relation to the Corpus Christi Ship Canal." Referred to the Committee on Internal Improvements.

House bill No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association." Referred to the Committee on Agriculture.

House bill No. 770, "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873." Referred to the Committee on State Affairs.

Unfinished business, viz., House bill No. 48, "An act regulating juries," was taken up. The bill was read second time, and the report of the committee recommend-

ing the Senate to recede from the amendments proposed by the committee, and adopted May 1, and that the bill pass without amendment, adopted.

The bill then passed to a third reading by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Ruby, Tendick and Tracy—11.

The hour having arrived for the special order, viz., the general appropriation bill, on motion of Senator Shelley, the same was recommitted to the Committee on Finance with instructions to report the bill back to the Senate tomorrow.

The hour having arrived, the special order was taken up, viz., House bill No. 721, "An act to regulate the assessment and collection of taxes." The bill was read second time.

Senator Dillard in the chair.

Amendments to sections two, four, five, seven, nine and fifteen, reported by the Committee on Finance, were adopted.

Senator Shelley moved to adjourn to four o'clock P. M. Lost by the following vote:

Yeas—Senators Baker, Ball, Cole, Flanagan, Fountain, Hall, Ruby, Shelley, Tendick and Tracy—10.

Nays—Senators Avinger, Broughton, Dillard, Dohoney, Evans, Ford, Finlay, Franks, Gaines, Henry, King, Randle, Swift, Word and Mr. President—15.

On motion of Senator Flanagan, a call of the Senate was ordered.

Absent—Senators Pyle, Rawson and Saylor.

On motion of Senator Tracy, the Senate adjourned until 4 o'clock P. M., by the following vote:

Yeas—Senators Baker, Ball, Cole, Ford, Flanagan, Fountain, Franks, Hall, Randle, Ruby, Shelley, Swift, Tendick, Tracy and Mr. President—15.

Nays—Senators Avinger, Broughton, Dillard, Dohoney, Evans, Finlay, Gaines, Henry, King, Latimer and Word—11.

## AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

The consideration of House bill No. 721, "An act to regulate the assessment and collection of taxes," was again resumed.

The question being the adoption of the substitute for section twenty-one, reported by the committee, the same was put, and the substitute adopted by the following vote:

Yeas—Senators Baker, Ball, Cole, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Randle, Ruby, Saylor, Sayers, Shelley, Tendick and Tracy—17.

Nays—Senators Avinger, Broughton, Dillard, Dohoney, Evans, Finlay, Henry, King, Swift, Word and Mr. President—11.

Amendments reported by the committee to sections ten, twenty-eight, thirty and thirty-one were adopted.

A message was received from the House informing the Senate the House had passed the following bills:

House bill No. 913, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas."

Senate bill No. 8, "An act to provide for the payment of sheriffs for guards employed in carrying prisoners to the penitentiary of the State in certain cases."

Senate bill No. 355, "An act providing the time for holding district courts in Kaufman and Rockwall counties, in the Tenth Judicial District."

Senate bill No. 353, "An act to organize the county of Clay."

Senate bill No. 199, "An act to amend section eleven of an act concerning divorce and alimony, approved January 6, 1841."

The House had refused to recede from its amendment to Senate joint resolution authorizing and requiring the sheriff of Williamson county with a posse to pursue and arrest certain persons accused of crime, and providing rewards for such arrests.

And that the House had adopted the Senate concurrent resolution inviting Governors from the Northwest, Congressmen and other officials now visiting Galveston, to extend their visit to the capital.

A message was received from His Excellency the Governor and laid on the President's desk.

The tax bill was again taken up.

Senator — proposed to amend section twenty-three by striking out all after the word "collected," in lines seventy-three and seventy-four, and down to the word "if," in line seventy-nine, and inserting "into the Treasury, on the deposit warrant of the Comptroller, and all county taxes thus deposited shall be placed by the Treasurer to the credit of the proper county, and the Comptroller shall draw his warrant for the same in favor of the county treasurer of such county." Adopted.

Senator Fountain proposed to amend same section by striking out the words "to the Comptroller," in lines eighty-nine and ninety, and inserting "into the Treasury on the Comptroller's deposit warrant." Adopted.

Senator Fountain proposed to amend the same section by striking out "Comptroller's," in line ninety-two, and inserting "Treasurer's." Adopted.

Senator Fountain proposed to amend the same section by striking out "collected by the Comptroller," in line ninety-five, and inserting "paid into the Treasury." Adopted.

Senator — proposed to amend the same section by striking out the words "to him," in line ninety-seven, and inserting the word "in." Adopted.

Senator Fountain proposed to amend the same section by adding the following: "The Comptroller shall receive no money due the State for taxes of any kind, but all such moneys shall be paid into the Treasury upon the deposit warrant of the Comptroller, which said deposit warrant shall be in triplicate, one to be retained by the Comptroller, one by the Treasurer and one by the person paying the tax, and the last named deposit warrant shall be receipted by the Treasurer for the full amount so paid in." The amendment was adopted by the following vote:

Yeas—Senators Avinger, Broughton, Dillard, Ford, Finlay, Fountain, Gaines, Henry, Latimer, Randle, Word and Mr. President—12.

Nays—Senators Baker, Cole, Flanagan, Franks, King, Sayers, Shelley, Swift and Tracy—9.

Senators Ball and Evans were excused from attendance on the Senate for the evening.

On motion of Senator Shelley, the doorkeeper was granted leave of absence for to-morrow.

Senator Gaines moved to adjourn to 9 o'clock A. M. to-morrow.

Lost by the following vote:

Yeas—Senators Ford, Gaines and Tendick—3.

Nays—Senators Avinger, Baker, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Franks, Henry, King, Latimer, Sayers, Shelley, Swift, Tracy, Word and Mr. President—19.

The tax bill was again taken up.

Senator Fountain proposed to amend section twenty-four by striking out the words "receipt or receipts which," in line seventeen, and inserting the words "deposit warrant or warrants, which, when receipted by the Treasurer." Adopted.

Senator Latimer, chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: On behalf of your Committee on Enrolled Bills, I did, to-day, at 11:10 o'clock A. M., present to his Excellency the Governor, for his signature and approval, the following Senate bills, to-wit:

No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas and elsewhere within the State, approved June 10, 1870."

No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

H. R. LATIMER, Chairman.

Senator Gaines asked that he be excused from attendance on the night session.

The Senate refused to excuse him.

Senator Gaines then moved that Senator Ford be excused from attendance on the night session.

The Senate refused to excuse Senator Ford.

On motion of Senator Ruby the Senate adjourned to 7:30 o'clock P. M.

#### EVENING SESSION.

Senate met pursuant to adjournment Roll called.  
Present—Senators Baker, Cole and Word.

There being no quorum, on motion of Senator Baker the Senate adjourned till 9 o'clock A. M. to-morrow.